

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37114

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| STATE OF IDAHO, |) | 2010 Unpublished Opinion No. 535 |
| |) | |
| Plaintiff-Respondent, |) | Filed: June 29, 2010 |
| |) | |
| v. |) | Stephen W. Kenyon, Clerk |
| |) | |
| SEAN ANDREW, |) | THIS IS AN UNPUBLISHED |
| |) | OPINION AND SHALL NOT |
| Defendant-Appellant. |) | BE CITED AS AUTHORITY |
| |) | |

Appeal from the District Court of the Third Judicial District, State of Idaho, Gem County. Hon. Juneal C. Kerrick, District Judge.

Judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of five years, for aggravated battery, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Sean Andrew pled guilty to aggravated battery. I.C. § 18-907. In exchange for his guilty plea, the state dismissed an allegation that Andrew was a persistent violator. The district court sentenced Andrew to a unified term of fifteen years, with a minimum period of confinement of five years, to run consecutive to an unrelated sentence. Andrew appeals.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing

the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Andrew's judgment of conviction and sentence are affirmed.